



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR FAILURE TO PROSECUTE: March 14, 2014

CBCA 3179

PERSAUD COMPANIES, INC.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Andy Persaud, President of Persaud Companies, Inc., Bethesda, MD, appearing for Appellant.

Jay Bernstein, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **VERGILIO**, and **STEEL**.

STEEL, Board Judge.

For the reasons below, the Board grants the motion of the General Services Administration (GSA) to dismiss for failure to prosecute.

Background

Persaud Companies, Inc. (PCI) filed a notice of appeal to this Board on January 7, 2013. Along with the filing of appellant's complaint on April 19, 2013, lawyers of the firm Thompson Hine LLP entered their appearance as legal counsel to appellant. The Board received respondent's answer on May 20, 2013. On July 12, 2013, appellant's counsel filed

a motion for leave to withdraw as counsel of record for appellant. The Board granted the motion and ordered appellant to show cause on or before Monday, August 5, 2013, why the appeal should not be dismissed for failure to prosecute. On September 18, 2013, respondent filed a motion to dismiss the appeal for failure to prosecute, asserting that appellant abandoned the case. Appellant has failed to respond to both the Board's order and respondent's motion.

Board precedent dictates that dismissal for failure to prosecute is appropriate when an appellant is unresponsive to an order requiring action by the appellant. *See Ryll International, LLC v. Department of Transportation*, CBCA 2069, 13 BCA ¶ 35,331; *Cecelia Sutton v. General Services Administration*, CBCA 2810, 12-2 BCA ¶ 35,158. To date, appellant has not responded to the order to show cause or respondent's motion. Dismissal is warranted.

Decision

The appeal is **DISMISSED FOR FAILURE TO PROSECUTE**.

CANDIDA S. STEEL
Board Judge

We concur:

STEPHEN M. DANIELS
Board Judge

JOSEPH A. VERGILIO
Board Judge

